



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 18-798
August 1, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF MEDICINE PARK TELEPHONE COMPANY, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-181

Comments Due: August 15, 2018
Reply Comments Due: August 22, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Medicine Park Telephone Company, Inc. (Medicine Park or Applicant), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting approval to transfer control of Medicine Park following the passing away of Alice Jo Hilliary, a former trustee and co-manager of various U.S. trusts that continue to own and manage Medicine Park.

Medicine Park, an Oklahoma corporation, serves as a rural incumbent local exchange carrier in the Medicine Park, Acme, Agawam, Cookietown, and Saddle Mountain areas of Oklahoma. Medicine Park is wholly owned by Hilliary Family First, LLC (Hilliary Trust), which, in turn, is co-owned (each 50 percent) by the Edward A. Hilliary, Jr. Revocable Trust (EAH Trust) and the Alice Jo Hilliary Revocable Trust (AJH Trust). Applicant states the following U.S. citizens each hold a 14.29 percent equity interest in, and are beneficiaries of, both the EAH Trust and the AJH Trust and, therefore, each hold a 14.29 percent interest in Medicine Park: Douglas J. Hilliary, Edward E. Hilliary, Jr., Michael J. Hilliary, Dustin J. Hilliary, Dacia N. Hilliary, Cody K. Hilliary, and Edward E. Hilliary.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On June 26, 2018 and July 25, 2018, Applicant filed supplements to its domestic section 214 application.

² Applicant states that Douglas J. Hilliary, Dustin J. Hilliary, Michael J. Hilliary, and Edward E. Hilliary, Jr. (Members of the Hilliary Sub Group) each own 25 percent of the Hilliary Acquisition Corp 2016, LLC which, in turn, wholly owns Oklahoma Western Telephone Company, Inc. (Oklahoma Western), an incumbent LEC providing service in southwest Oklahoma which, in turn, wholly owns Phoenix Long Distance, Inc., a competitive LEC, also providing service in southwest Oklahoma. Applicant states that there are no overlapping or adjacent service areas between Medicine Park and Oklahoma Western. Applicant further states that the Members of the Hilliary Sub Group each also hold a 25 percent interest in Wichita Online, LLC and Southern Plains Cable, LLC, both competitive LECs providing service in southwest Oklahoma, as well as Texhoma Fiber, LLC, an information service provider providing services in southwest Oklahoma.

Prior to her passing away on April 7, 2018, Alice Jo Hilliary co-managed the Hilliary Trust together with Douglas J. Hilliary and Edward E. Hilliary. Medicine Park now seeks to transfer its ownership to Douglas J. Hilliary and Edward E. Hilliary, both who are trustees to the EAH Trust and AJH Trust, and plan on continuing to co-manage the Hilliary Trust. Applicants do not request streamlined processing.

Domestic Section 214 Application Filed for the Transfer of Control of
Medicine Park Telephone Company, Inc., WC Docket No. 18-181 (filed May 22, 2018).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before August 15, 2018**, and reply comments or oppositions to petitions **on or before August 22, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Gregory Kwan, Wireline Competition Bureau, gregory.kwan@fcc.gov; and
- 3) Myrva Charles, Wireline Competition Bureau, myrva.charles@fcc.gov;

The proceeding in this Notice shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁴ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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³ 47 CFR § 1.1200 *et seq.*

⁴ *See* 47 CFR § 1.45(c).